REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 19, 2009 ("Office Action"). Claims 1-21 are pending in the Application and stand rejected. Claim 22 is new.[1] Claims 1, 8, and 11 have been amended without adding new subject matter. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 8-11, 17, and 19-21 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,119,110 to Carapelli ("*Carapelli*"). Applicants respectfully traverse this rejection, because *Carapelli* fails to teach or suggest each and every feature of, for example, amended claim 8, as required by the M.P.E.P. and U.S. patent laws. *See* M.P.E.P. § 2131.

As one example of the deficiencies in *Carapelli*, amended claim 8 includes the step of "issuing a certification code associated with the handling application based on the information and operable to indicate that integrity of the handling application has been maintained." The Office Action alleges that *Carapelli* teaches this feature through its disclosure of an "identity code" for the microprocessor of the electronic head (C). *See* Office Action at 2 (citing *Carapelli* at 4:15-35). But in contrast to amended claim 8, which is directed to ensuring the integrity of a *handling application* executing on (and controlling) an electronic instrument for metrological measurements, *Carapelli* teaches two techniques for guaranteeing that measured values from a measuring instrument (*i.e.*, a fuel dispenser pulser) are accurate that neither involve nor implicate any alleged handling application. First, *Carapelli* teaches that accurate measurement values received by an electronic head (C) from the pulser (A) may be guaranteed through data encryption techniques applied to the data (*i.e.*, pulses) transmitted from the pulser to the head. *See Carapelli* at 3:3-20. Such encrypted data is then decrypted by the head (C) using known decryption techniques. *See id.* (describing public key algorithm used to encrypt/decrypt pulse data).

Second, *Carapelli* teaches that the electronic head (C) may, itself, be verified in order to guarantee accurate data transmission between the head (C) and pulser (A). More specifically,

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[1] Applicants respectfully submit that support for new claim 22 may be found at, for example, section [0051] of the published application. *See* U.S. Patent Application Publication No. 2006/0266245.

Carapelli teaches that a microprocessor in the head (C) may include an identity code associated with the processor and firmware included thereon. *See Carapelli* at 4:16-20. But *Carapelli*'s teachings are clear that the purpose of this identity code is to "verify whether or not the present electronic [*sic*, head] is the original one." *Carapelli* at 4:20-21. Put simply, *Carapelli* teaches that its second technique for guaranteeing measured values from its measuring device is to check whether the original electronic head (C) has been wholly replaced and not whether the integrity of a handling application (to the extent *Carapelli* even discloses such an application) has been maintained.[2]

In view of the foregoing, Applicants respectfully submit that amended claim 8 is allowable over the pending rejection to *Carapelli*. Applicants therefore request reconsideration and allowance of amended claim 8 and all claims depending therefrom.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-7, and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,448 to Finley *et al.* ("*Finley*") in view of *Carapelli*. Applicants respectfully traverse this rejection because the *Finley-Carapelli* combination fails to teach or suggest multiple features of, for example, amended claim 1. Indeed, in accordance with the above explanation of *Carapelli*'s deficiencies, Applicants respectfully submit that the *Finley-Carapelli* combination fails to teach or suggest amended claim 1's feature of the generation of "a certification code for the handling application in response to verifying that the integrity of the handling application is maintained." Thus, Applicants respectfully submit that amended claim 1 and all claims depending therefrom are allowable over the *Finley-Carapelli* combination for at least this reason.

Moreover, amended claim 1 includes other features not shown by the *Finley-Carapelli* combination. For example, the Office Action relies on *Finley* to purportedly show "a handling application operable to control the instrument [for metrological measurements]." *See* Office Action at 6 (relying on software executed on the Site Manager (300)). But the relied upon

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[2]   Although the Office Action suggests that the electronic head firmware of *Carapelli* is analogous to the claimed "handling operation," Applicants respectfully submit that *Carapelli* fails to teach or suggest that this firmware "is operable to control" an electronic instrument for metrological measurements, such as, for example, its pulser (A).

teachings of *Finley* fail to indicate that the SM (300) software controls any such metrological measurement instrument but, rather, indicate that such software controls general management functionality of a complete fuel dispensing site including multiple fuel dispensers and point-of-sale devices.[3]

In view of the foregoing deficiencies in the *Finley-Carapelli* combination with respect to amended claim 1, Applicants respectfully submit that amended claim 1 and all claims depending therefrom are allowable over the pending § 103 rejection. Applicants therefore request reconsideration and allowance of amended claim 1 and all claims depending therefrom.[4]

New Claim 22 is Allowable Over the References of Record

New claim 22 depends from amended claim 8 and requires that "the cryptography algorithm comprises one of a Secure Hash Algorithm (SHA) hashing algorithm or an RSA hashing algorithm." Applicants respectfully submit that neither *Finley*, *Carapelli*, nor *Johnson* teaches or suggests this feature of new claim 22. Applicants respectfully request allowance of new claim 22 for at least this reason, as well as the reasons provided above with respect to amended claim 8.

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[3] *See Finley* at 8:1-25 ("Provide network connectivity between dispensers; Drive individual dispensers as point-to-point devices with SM routing; Provide physical network connectivity to a variety of possible remote hosts; Provide routing of remote host-to-dispenser traffic; Provide a repository for current software versions of the dispenser; Provide a repository for current content of the dispenser presentation; Interface commands and responses between the POS and the dispensers; Monitor and maintain current software for the dispensers; Accumulate soft updates for dispensers when they are off line, and propagate the updates once dispensers are online; Backup dispenser transaction information; Accumulate network-wide event information; Repository for diagnostics tools; Coordinate scheduled updates with the dispenser; Repository for maintenance software. Provide an extensible, programmable platform for custom reporting that may be accessed from the wide area network or printed locally.").

[4] Claim 12 stands rejected under § 103 as unpatentable over *Finley* in view of *Carapelli* in further view of U.S. Patent No. 6,904,592 to Johnson ("*Johnson*"). Applicants respectfully submit that *Johnson* fails to account for the deficiencies in amended claim 1, from which claim 12 depends and thus, claim 12 is allowable for at least the reasons provided above with respect to amended claim 1.

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CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all claims.

Any circumstance in which the Applicants have (a) addressed certain comments of the examiner does not mean that the Applicants concede other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or cancelled a claim does not mean that the Applicants concede any of the examiner's positions with respect to that claim or other claims. Applicants respectfully request consideration of all filed IDSs not previously considered, by initialing and returning each Form PTO-1449.

All fees for any additional claims and a one-month extension of time are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization to deposit account 06-1050. Please apply any other deficiencies or required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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